

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KATHRYN A. ARDEN)	CASE NO: 1:10 CV0623
)	
Plaintiff,)	
)	JUDGE DONALD C. NUGENT
v.)	
)	
COMMISSIONER OF)	<u>ORDER ADOPTING</u>
SOCIAL SECURITY,)	<u>MAGISTRATE'S REPORT AND</u>
)	<u>RECOMMENDATION</u>
Defendant.)	
)	
)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Vernelis K. Armstrong. The Report and Recommendation (ECF # 14) is hereby ADOPTED. Plaintiff seeks judicial review, pursuant to 42 U.S.C. § 405 (g), of Defendant's final determination denying her claim for disability insurance benefits under Title II of the Social Security Act ("Act"), 42 U.S.C. §§ 416 (i) and 423 and for Supplemental Security Income under Title XVI of the Act, 42 U.S.C. §§ 1381 *et seq.* (ECF # 12). Magistrate Judge Armstrong found that the Administrative Law Judge ("ALJ")'s decision was supported by substantial evidence and that the ALJ applied the appropriate legal standards. The Magistrate Judge, therefore, recommended that the Court affirm the Commissioner's decision. (ECF # 14). Plaintiff timely filed her objections to the Magistrate's Report and Recommendation.

The Court has reviewed *de novo* portions of the Magistrate Judge's Report and Recommendation to which objection has been made. *See* FED. R. CIV. P. 72 (b). The Court finds that Petitioner's objections raise no arguments (factual or legal) that have not been fully

addressed by the Magistrate's Report and Recommendation. Ms. Arden claimed a disability based on a mental health disorder characterized by crying episodes, insomnia, some anxiety, antisocial tendencies, an inability to focus, mood swings and compromised memory (ECF # 12). The ALJ determined that Ms. Arden was not disabled because Ms. Arden did not have an impairment or a combination of impairments that met or medically equaled one of the listed impairments in 20 C.F.R. Part 404, Subpart P, Appendix 1 (20 C.F.R. §§ 404.1525 and 404.1526). Furthermore, although the ALJ found that Ms. Arden was incapable of performing her past relevant work, he found that Ms. Arden was capable of making a successful adjustment to other work that exists in significant numbers in the national economy (ECF # 14).

Ms. Arden objects to this finding because she argues that the ALJ did not give appropriate weight to the opinion of her treating physician, Dr. Royak. However, the ALJ found that Dr. Royak's opinion was accorded "limited weight" because Dr. Royak exaggerated Plaintiff's limitations. The Magistrate Judge held that the ALJ followed the procedural requirements for assessing the opinions of a treating source and the state medical consultant. Furthermore, this Court concurs with the Magistrate Judge's finding that the ALJ explained precisely why Dr. Royak's opinions were discounted and how those reasons affected the weight given to Dr. Royak's opinions.

The Magistrate's Report and Recommendation fully and correctly addresses all of Plaintiff's claims and the Plaintiff's objections are unwarranted. This Court, therefore, ADOPTS the Magistrate's Report in its entirety. The Social Security Administration's final decision denying Plaintiff's application for supplemental security income and disability insurance benefits is affirmed.

IT IS SO ORDERED.

DATE:

July 13, 2011

Donald C. Nugent

DONALD C. NUGENT

United States District Judge